

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

MAGISTRATE JUDGE SCHENKIER

v.

CRIMINAL COMPLAINT
UNDER SEAL

DANYALE L. SIMMONS

CASE NUMBER:

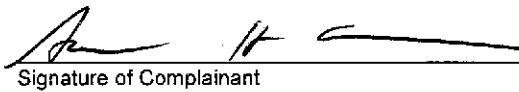
08CR 462

I, Garrett H. Croon, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 4, 2008 in Cook county, in the Northern District of Illinois defendant DANYALE SIMMONS did by force and violence, and intimidation, take from the person and the presence of others, money belonging to and in the care, custody, control, management, and possession, of the First American Bank, 33 W. Monroe St., Chicago, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation. in violation of Title 18 United States Code, Section(s) 2113(a).

I further state that I am a(n) Special Agent with the Federal Bureau of Investigation and that this complaint is
Official Title based on the following facts:

See attached affidavit

Continued on the attached sheet and made a part hereof: X Yes No


Signature of Complainant

Sworn to before me and subscribed in my presence,

June 10, 2008
Date

at Chicago, Illinois
City and State

Sidney I. Schenkier, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

FILED

JUN 10 2008 TC

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

STATE OF ILLINOIS)
 SS)
COUNTY OF COOK)

AFFIDAVIT

I, GARRETT H. CROON, being duly sworn depose and state as follows:

Introduction

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been employed as such for over five years. I have been assigned to the FBI's Violent Crimes Task Force for approximately two years conducting investigations of bank robberies, kidnaping, extortion and other violent crimes. I am an Investigative or Law Enforcement Officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations and to make arrests for felony offenses.
2. The statements contained in this affidavit are based on my investigation, information provided to me by FBI agents and other law enforcement agents who participated in this investigation, and on my experience and training as an FBI agent. The information below is provided for the limited purpose of establishing probable cause that on or about January 4, 2008, DANYALE SIMMONS, by force and violence, and by intimidation, did take from the person and presence of bank employees, approximately \$2,680 in United States Currency belonging to, and in the care, custody, control, management, and possession of a bank, namely, the First American Bank, 33 West Monroe, Chicago, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

3. Because the information set forth below is for the limited purpose of establishing probable cause in support of a criminal complaint, it does not contain all the facts of which I am aware related to this investigation. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part and are not verbatim.

January 4, 2008 Robbery of First American Bank

4. On January 4, 2008, at approximately 4:55 p.m., a bank teller (the "Victim Teller") at the First American Bank, located at 33 W. Monroe St., Chicago, IL, was assisting a customer at the fourth teller window from the east end of the teller line. Approximately one minute after the Victim Teller finished with the customer, a black male (hereinafter, the "Suspect") walked up to the Victim Teller's window. The Victim Teller described the Suspect as a black male in his late 30's, approximately 5'9" to 6 feet tall, with a stocky build and weighing approximately 280-350 lbs. S/he related that the Suspect had a short goatee, medium complexion, and was wearing a dark-colored jacket and a black knit cap.
5. According to the Victim Teller, the Suspect handed or slid two pieces of paper towards him/her. The Victim Teller noticed that one of the pieces of paper was a bank document from Charter One Bank. According to the Victim Teller, the Suspect told him/her "Don't be a hero. Count out twenty-six hundred and no one will get hurt."
6. The Victim Teller then read one of the pieces of paper, which s/he recognized as a demand note, which, among other things, instructed him/her to keep smiling. The Victim Teller then removed money from his/her teller drawer and began to count out approximately \$2,600 in United States currency in 100's, 50's, and 20's.
7. According to the Victim Teller, while s/he was counting the money, s/he lost count

because s/he was attempting to provide Suspect with a dye pack. The Victim Teller then began to recount the money at which time the Suspect told him/her to stop because s/he had counted enough money.

8. The Victim Teller gave the Suspect the money s/he had counted, along with the dye pack from his/her drawer. The Suspect then took the money and exited the bank.
9. Still photographs from surveillance video, obtained from the First American Bank, show a black male, with stocky build and facial hair, wearing a dark jacket and a Bears ski cap, entering the bank, standing at the Victim Teller's teller counter, and then leaving the bank, during the time of the robbery.
10. The Suspect left the two pieces of paper he had shown the Victim Teller on the teller counter. Law enforcement officers recovered the two pieces of paper. The first, a demand note, read "Don't be a hero! Please let the police do their job. Count out \$2600 Hundred Now! Keep Smiling)." The second piece of paper, a Charter One bank Savings withdrawal slip, had "2600" written on the slip in the box in denoting the amount of dollars to be withdrawn, and the word "Withdrawl" written on the customer signature line.
11. Law enforcement officers also recovered \$80 in United States currency, consisting of four \$20 bills, from an individual who picked up the money outside of the bank shortly after the robbery.
12. A teller audit provided by the bank showed a loss of \$2,680 as a result of the robbery.
13. According to the Federal Deposit Insurance Corporation (FDIC) certificate issued to the First American Bank, at the time of the January 4, 2008 bank robbery, the First American

Bank located at 33 W. Monroe St., Chicago, IL, was insured by the FDIC.

Identification of DANYALE SIMMONS

14. The FBI submitted the demand note and bank withdrawal slip recovered from the robbery to the FBI Laboratory in Quantico, Virginia, for fingerprint analysis. On May 28, 2008, an FBI Forensic Examiner informed me that fingerprint analysis revealed five latent fingerprints of value: one latent fingerprint of value was developed on the bank robbery demand note, and four latent fingerprints of value were developed on the bank withdrawal slip. All five fingerprints were identified to DANYALE SIMMONS, FBI # 61604DA1.
15. Agents subsequently determined, from law enforcement databases, that DANYALE SIMMONS is a 41 year old black male, with a medium complexion, approximately 6'2" tall and weighing 225 lbs, and that he currently resides in the city of Chicago.
16. On June 4, 2008, I conducted a photo array with the Victim Teller. The Victim Teller explained that s/he was 70% sure that the individual pictured in the photo corresponding to DANYALE SIMMONS was the Suspect who robbed the First American Bank on January 4, 2008.

Conclusion

17. Based on the foregoing facts, Affiant respectfully submits that there is probable cause to believe that on January 4, 2008, defendant DANYALE SIMMONS, by force and violence, and by intimidation, did take approximately \$2,680 in United States Currency belonging to, and in the care, custody, control, management, and possession of a bank, namely, the First American Bank branch located at 33 West Monroe, Chicago, Illinois,

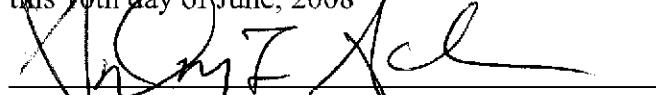
the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

FURTHER, AFFIANT SAYETH NOT.



Special Agent Garrett H. Croon
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence
this 10th day of June, 2008



Sidney I. Schenkier
United States Magistrate Judge